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U.S. BANKRUPTCY CT.
SO. DIST. OF CALIF.

) BK Case No.: 06-00198-JM7
) Adv. Pro. No.: 06-90127-JM7

PLAINTIFF PAUL HUPP'S OBJECTION
TO "JUDGMENT" ENTERED 2-28-09

) Action Filed: February 8, 2006
) Trial Date: January 17, 2008
) Judge: Hon. James W. Meyers

) Judge: Hon. James W. Meyers

INTRODUCTION

Plaintiff Paul Hupp (“Mr. Hupp”) hereby objects to the “(Proposed) Judgment On Plaintiff Paul Hupp’s Sworn And Verified Adversary Proceeding Complaint” which was filed on February 17, 2009 and entered on February 18, 2009, and ask that it be rescinded immediately.

II

ARGUMENT

This case was heard over one (1) year ago. Judge Myers entered a MEMORANDUM AND DECISION February 15, 2008. The case was appealed to the District Court and subsequently to the 9th Circuit Court of Appeals where it has been assigned Case No.: 08-56403.

Once a bankruptcy case has been appealed it loses ALL SUBJECT MATTER jurisdiction. With no jurisdiction there can be no more activity entered in the case-and that includes orders entered over one (1) after the appeal was filed. This "Judgment" is incompatible with appellate review.

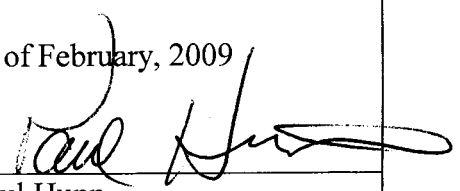
As a general rule, a timely notice of appeal divests the lower court of jurisdiction with respect to all matters involved in the appeal and transfers jurisdiction to the appellate court. *See Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982) (per curiam); 9 James W. Moore, et al., MOORE'S FEDERAL PRACTICE 203.11 (2d ed. 1993).

III

CONCLUSION

Based on the above stated facts Mr. Hupp requests the Judgment dated February 17, 2009 be rescinded immediately or Mr. Hupp will motion the 9th Circuit that it order this court to rescind the Judgment.

Dated this 21st day of February, 2009


Paul Hupp
965 Hidden Oaks Drive
Beaumont, CA. 92223
(951) 769-1268
Paulhupp@sdsualumni.org
In Propria Persona

DECLARATION OF SERVICE

I, Aristeia Hupp, declare the following;

1. I am over 18 years of age,
2. I am not a party to this action,
3. My address is P.O. Box 91 Solana Beach, CA. 92075
4. I served a true and correct copy of THE FOLLOWING;

Plaintiff Paul Hupp's

**1. PLAINTIFF PAUL HUPP'S OBJECTION TO JUDGMENT
ENTERED 2-28-09**

~~ADDRESSED TO;~~

Mr. Timothy P. Burke, Esq.
Timothy P. Burke and Associates
1136 Fremont Street
Suite 108
South Pasadena, California 91030

United States Bankruptcy Court-CLERK
325 West "F" Street
San Diego CA 92101

By placing said document into the United States Postal Service at Beaumont, CA.
with the postage fully prepaid on;

Saturday, February 21, 2009

EXECUTED ON:

Saturday, February 21, 2009

I declare under penalty of perjury of the laws of the State of California and the
United States that the forgoing is true and correct.

Declarant-Aristea Hupp  _____